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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,566	11/01/2001	Chana L. Weaver	5603USA	3780

30173 7590 12/11/2006

GENERAL MILLS, INC.
P.O. BOX 1113
MINNEAPOLIS, MN 55440

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/002,566

Applicant(s)

WEAVER ET AL.

Examiner

Akiba K. Robinson-Boyce

Art Unit

3628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 5-8, 10-13 and 15-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.



Continuation of 11. does NOT place the application in condition for allowance because: As per claim 6, the applicant argues that prior art does not provide a "targeted opportunity assessment at least partially customized for the intended end user", but merely relates to general trends with respect to a demographic of purchasers. However, paragraph [0002] of Dippold discloses that the reports generated through the correlation of both products purchased and demographics, disclose the buying habits of population segments, which represents the targeted opportunity assessment. It is also shown that conclusions about the buying habits for specific population segments based upon specific products vs. demographics are included, where the conclusion of the buying habits represent the market analysis, and retrieval of the report based on specific products vs. demographics represents customization. In this case, the end user is part of a specific population segment, so the target opportunity assessment is at least partially customized for the intended end user. As per claim 15, the applicant argues that Dippold discloses historical pricing information of products purchased by panelist, and does not describe pricing suggestions. However, the information about prices of products purchased by panelists is stored, as shown in [0020], lines 1-5, and accessed to generate the reports as shown in [0002], lines 19-23. Since the panelist price data is used for report generation, it represents a price suggestion since it is part of the report which a supplier can make conclusions regarding the types of people purchasing its products, and can therefore incorporate these types of findings into product sales data as shown in [0004]. As per claim 18, the applicant makes similar arguments to those presented for claim 6, and claim 18 is therefore still rejected for the same reasons. As per claim 20, applicant argues that the present invention does not claim to be the first to present data related to breakfast cereals, but does claim to be the first to obtain data, perform a subsequent automated analysis on the obtained data, and then generate a targeted opportunity assessment at least partially customized for the intended user. However, in paragraph [0005], lines 1-3, breakfast cereals are part of a category of product purchased, and is used for obtaining, automatic analysis, and generating a targeted opportunity as described in paragraphs [0002] and [0026] as shown in the rejection. As per claim 5, the applicant makes similar arguments to those of claim 6, and claim 5 is therefore still rejected for the same reasons. As per claims 7, 12 and 13, the applicant argues that prior art fails to teach an integrated category management report, however, this report is disclosed in Dippold on page 1, paragraph [0002], lines 17-23 as discussed in the rejection. As per claim 8, the applicant argues that Dippold does not disclose interactive fields. However, Page 3-Page 4, paragraph [0036] of Dippold, shows that data in database is updated whenever new data is available, and is therefore updated dynamically in relation to new data. In this case, the database is refreshed by having the variable n set to zero and incremented by 1, then loading any new product data. This data is updated as a result of category definitions being added or changed, which occurs as a result of loading data, which is analogous to inputting data, as done when using field entry. As per claim 10, the applicant makes similar arguments to those of claim 6, and is therefore rejected for the same reasons. As per claim 11, the applicant argues that Dippold does not describe a score card, but rather discusses "scoring rules". However, the score card of the present invention tracks the category management over time, and the scoring rules of Dippold are used to choose a final category. As shown in [0033] of Dippold, the scoring rules scores the categorized product data over a period of time since the final category is chosen from more than one category. As per claims 16 and 17, the applicant argues that the teachings of Mcconnell are not directed to suggestion for improving the sales of a category of products, but rather directed to methods to identify out-of-stock situations and to predict these situations for inventory control. However, as shown in [0004], the supplier can make conclusions regarding the types of people purchasing its products, and can use findings to incorporate into product sales data. As per claim 19, applicant makes similar arguments to those presented for claims 7, 12 and 13, and claim 19 is still rejected for the same reasons .